

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/007,477

Group Art Unit: 3732

Filed: Nov. 8, 2001

Examiner:

For: SPINAL FUSION DEVICES AND ALIGNMENT APPARATUS THEREFORE

PETITION

Attn: OIPE - Doshie Day
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment dated December 10, 2003, Applicant respectfully requests with removal of abandonment status of the above-referenced application.

Applicant timely responded to the January 3, 2002 *Notice to Filing Missing Parts* as evidenced by the enclosed true copy of the PTO date-stamped postcard and Certificate of Mailing. Also enclosed are the formal drawings that were timely filed on ~~February 22, 2002~~. Inasmuch as Applicant has proven a response was timely filed, revival of the present application is respectfully requested.

Applicant believes no fee is due with this paper. However, the Commissioner is authorized to charge Deposit Account No. 07-1180 if a fee is necessary.

Respectfully submitted,

By: _____

John G. Posa

Reg. No. 37,424

Gifford, Krass, Groh, Sprinkle,

Anderson & Citkowski, PC

280 N. Old Woodward Ave., Ste 400

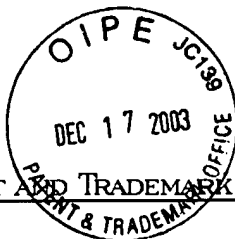
Birmingham, MI 48009

(734) 913-9300 FAX (734) 913-6007

Date: Dec. 17, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/007,477	11/08/2001	Bret A. Ferree	BAF-1 0703/29

CONFIRMATION NO. 2845

ABANDONMENT/TERMINATION LETTER



OC000000011455231

John G. Posa
 Gifford Krass, Groh et al
 Suite 400
 280 N. Old Woodward Ave.
 Birmingham, MI 48009

Date Mailed: 12/10/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/03/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



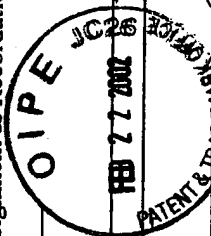
COPY

PATENT

The received stamp of the U.S. Patent and Trademark Office imprinted hereon acknowledges the filing of:

- ☒ Transmittal Letter ☐ New Patent Application Page(s) Specifications Page(s) Claims
- Page(s) Abstract Sheets of Drawings
- ☐ Small Entity Declaration ☐ Declaration & Power of Atty
- ☐ IDS, PTO 1449 & Patents ☐ Assignment & Recordation Cover Sheet
- ☐ Amendment/Response ☐ Check

Other:



Inventor: Ferree

Serial/Reg. No. 10/001,477 Atty Docket No. BAF-10703/29

Date: 2-6-02 Date Due: 3-3-02

☒ Cert. Of Mailing/Express-Mail



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Dear Sir:

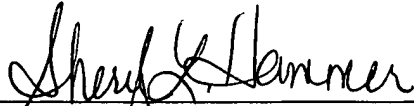
I hereby certify that the attached correspondence comprising:

Petition
Part 2 - Notice of Abandonment
Postcard

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attn: OIPE - Doshie Day
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

On Dec. 17, 2003.



Sheryl L. Hammer